

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

| | | |
|---|---|--------------------------------|
| CONTINENTAL CASUALTY COMPANY, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CASE NO.: 2:07cv221-WHA |
| |) | |
| ALABAMA EMERGENCY ROOM ADMINISTRATIVE SERVICES, P.C. |) | |
| |) | |
| Defendant. |) | |

AMENDED ANSWER

COMES NOW the defendant, Alabama Emergency Room Administrative Services, P.C., and amends its prior Answer and responds to plaintiff's Complaint (Doc. 1) filed herein as follows:

1. The defendant, Alabama Emergency Room Administrative Services, P.C., admits that contained in paragraph 1 of plaintiff's Complaint filed herein.

2. The defendant, Alabama Emergency Room Administrative Services, P.C., admits that contained in paragraph 2 of plaintiff's Complaint filed herein.

3. The defendant, Alabama Emergency Room Administrative Services, P.C., admits that contained in paragraph 3 of plaintiff's Complaint filed herein.

4. The defendant, Alabama Emergency Room Administrative Services, P.C., denies that contained in paragraph 4 of plaintiff's Complaint filed herein, with regard to the principal place of business, and demands strict proof thereof; however, defendant admits the remainder of that contained in paragraph 4 of plaintiff's Complaint filed herein.

5. The defendant, Alabama Emergency Room Administrative Services, P.C., admits that contained in paragraph 5 of plaintiff's Complaint filed herein.

6. The defendant, Alabama Emergency Room Administrative Services, P.C., denies that contained in paragraph 6 of plaintiff's Complaint filed herein and demands strict proof thereof.

7. The defendant, Alabama Emergency Room Administrative Services, P.C., denies that contained in paragraph 7 of plaintiff's Complaint filed herein and demands strict proof thereof.

8. The defendant, Alabama Emergency Room Administrative Services, P.C., admits that contained in paragraph 8 of plaintiff's Complaint filed herein.

9. The defendant, Alabama Emergency Room Administrative Services, P.C., denies that contained in paragraph 9 of plaintiff's Complaint filed herein and demands strict proof thereof.

10. The defendant, Alabama Emergency Room Administrative Services, P.C., denies that contained in paragraph 10 of plaintiff's Complaint filed herein and demands strict proof thereof.

11. The defendant, Alabama Emergency Room Administrative Services, P.C., denies that contained in paragraph 11 of plaintiff's Complaint filed herein and demands strict proof thereof.

12. The defendant, Alabama Emergency Room Administrative Services, P.C., denies that contained in paragraph 12 of plaintiff's Complaint filed herein and demands strict proof thereof.

13. The defendant, Alabama Emergency Room Administrative Services, P.C., denies that contained in paragraph 13 of plaintiff's Complaint filed herein and demands strict proof thereof.

14. The defendant, Alabama Emergency Room Administrative Services, P.C., denies that contained in paragraph 14 of plaintiff's Complaint filed herein and demands strict proof thereof.

15. The defendant, Alabama Emergency Room Administrative Services, P.C., admits that contained in paragraph 15 of plaintiff's Complaint filed herein.

16. The defendant, Alabama Emergency Room Administrative Services, P.C., admits that contained in paragraph 16 of plaintiff's Complaint filed herein.

AFFIRMATIVE DEFENSES

FIRST DEFENSE

The allegations by the plaintiff are not alleged with sufficient particularity and its claims are due to be dismissed.

SECOND DEFENSE

Defendant avers the failure of the plaintiff to mitigate the plaintiff's alleged damages.

THIRD DEFENSE

Plaintiffs' Complaint and each count therein, fails to state a claim upon which relief can be granted.

FOURTH DEFENSE

Plaintiffs' claims are barred by the applicable statute of limitations.

FIFTH DEFENSE

To the extent plaintiffs have suffered any damages, such damages were caused by and were the responsibility of persons, parties, and/or entities other than this defendant.

SIXTH DEFENSE

The damages claimed by the plaintiff are not specifically stated.

Respectfully submitted this the 2nd day of May, 2007.

_____/s/ Michael J. Cohan
MICHAEL J. COHAN (COH017)
Attorney for Defendant,
Alabama Emergency Room Administrative
Services, P.C.

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the above and foregoing upon all parties by electronically filing the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification to the following via: email this the 2nd day of May, 2007.

Brenen G. Ely, Esq.
Joel S. Isenberg, Esq.
Candace L. Hudson, Esq.
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Birmingham, Alabama 35209

/s/ Michael J. Cohan
MICHAEL J. COHAN (COH017)